

REMARKS

Upon entry of the present amendment, claims 1-18 are pending in the application. Of these, claims 1, 9 and 16 are independent. Claims 9-17 are withdrawn from consideration since they are directed to a non-elected invention. Claim 1 is amended herein, and new claim 18 is added.

Applicant respectfully submits that all the amendments are supported by the original application, and that no new matter has been introduced thereby.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment and arguments, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

The applicant thanks the Examiner for his helpful remarks during the telephone interview with the applicant's representative that took place on June 5, 2006. During the interview, claim 1 was discussed with respect to the rejection under 35 USC 112, second paragraph, and to cited prior art. An argument was presented that the term "a saddle-type vehicle" is well known in the art to refer vehicles upon which a rider sits astride the vehicle during operation. The Examiner indicated that presentation of such argument in the written record would likely overcome the rejection under 35 USC 112.

In addition, claim 1 was discussed with respect to the disclosure of Satoru and Nakamura, and an amendment to claim 1 was proposed in which the front cover kit clearly recites plural separate, individual cover portions, and further recites that the left shroud and the right shroud

are connected to each other via the headlight to form a subassembly which is separable from the center cover. The Examiner considered the proposal to be “interesting”, and stated that further consideration and search would be required before a determination on patentability could be reached.

Claim Rejections – 35 USC 112

At item 3 of the Office Action, the Examiner rejected claim 1-8 under 35 USC 112, second paragraph, as being indefinite. In claim 1, line 1, the Examiner considers the term “a saddle-type vehicle” to be unclear with respect to the attributes of a saddle as applied to a vehicle.

Applicant’s Response

The applicant respectfully disagrees with this rejection since the term “a saddle-type vehicle” is a term that is well-known and commonly used in technical arts related to vehicles in which the rider sits astride the vehicle. Such vehicles include, for example, four-wheel ATVs, jet ski’s, and motorcycles. In these vehicles the rider sits on a seat which permits straddling of the vehicle, just as a cowboy sits in a saddle. Such terminology is widely used in the art, as demonstrated by the usage in the references cited by the Examiner (Satoru (JP 03109185) see title; Nakamura (US 6,820,708), see abstract and col. 3, line 17; Kuji (US 6,622,666), see col. 3, line 7).

Claim Rejections – 35 USC 102

On page 3 of the Office Action, the Examiner rejected claims 1, 3, 4, 5, 7, and 8 under 35 USC 102(b) as anticipated by Satoru et al. (JP 03-109185). In his rejection, the Examiner states

that Satoru teaches a front cover portion (8), considered to be a “kit” since it is separable from the vehicle, the front cover portion 8 being attachable to the body frame portion 11 and having a portion 31 for enclosing the headlight 33, a central cover portion, left and right shroud portions connected to one another by the headlight portion, fenders 12, a pair of stays 34 positioned rearwardly of and to the right and left ends of the headlight accommodating portion.

Applicant’s Response

Upon review of Satoru, we find that this reference, cited by the applicant in the specification, discloses a front cover for a four-wheeled saddle type vehicle. The front cover 8 is a single, large body formed to integrally include left and right fenders 12 and a portion 31 which surrounds the headlight 33. The front cover is secured to the vehicle body frame 11 at a pair of stays 34 disposed on the left and right of the vehicle centerline at a mid-forward portion of the cover, to the fuel tank 6 at a pair of stays 16 disposed on the left and right rear portion of the cover, and at a clip 47 disposed on the vehicle centerline at a front portion of the cover. As interpreted in Fig. 6, it appears that the clip 47 is secured by screw 57 to a headlight supporting bracket.

The applicant respectfully disagrees with this rejection since Satoru does not disclose every claimed feature of the invention. In particular, Sarturo does not disclose a front cover *kit*, where the word “kit” is commonly understood to mean, and is defined as, “a collection, or set, of items.” In claim 1, the applicant claims a front cover kit comprising the following set of items: a center cover; a left shroud; and a right shroud. In contrast, Sarturo discloses a single item, rather than a kit. That is, Sarturo discloses a single, large cover member in which the center portion, left shroud, and right shroud are each formed integrally as a monolithic structure. As discussed by the applicant in the Background section of the application, the monolithic structure

of Sarturo is disadvantageous since if any part of the front cover is damaged, the whole front cover must be removed and replaced, including the center cover and the right and left shrouds. As a result, the cost of repair is increased. A further disadvantage of a monolithic cover structure lies in that since the whole front cover is integrally molded as a single piece such that a large metal mold and a large molding machine are required, resulting in an increase in the manufacturing cost and decreased quality of the molded item. These disadvantages are addressed by the applicant's invention, wherein the front cover is provided as a kit comprising a plurality of small cover portions joined together to form the large cover. By doing so, it becomes easy and inexpensive to replace individual damaged portions without having to replace the entire cover portion, and the molded items are less expensive and of higher quality in terms of achieving the desired shape and size.

In addition, Sarturo does not disclose a kit in which the left shroud and right shroud are connected via the headlight, as claimed. Instead, Sarturo discloses a single, monolithic cover structure in which portions corresponding to a left and right shroud are connected by intermediate portions of the cover itself, rather than by the headlamp.

However, in order to promote the prosecution of the application, the applicant has amended claim 1 herein to more clearly distinguish the applicant's invention from that of the cited prior art. Specifically, claim 1 is amended herein to recite that the front cover kit comprises plural individual cover portions including a center cover, a left shroud, and a right shroud. Claim 1 is further amended to recite that the left shroud and the right shroud are connected to each other via the headlight to form a subassembly which is separable from the center cover. These features are not suggested or disclosed by Satoru, who discloses a single, monolithic cover rather than a kit, and who does not show the left and right shroud connected by the headlight to form a

subassembly which is separable from the center cover, as now claimed.

As regards claim 3, the applicant respectfully disagrees with this rejection for the reasons stated above with respect to claim 1 as amended herein, from which claim 3 depends. In addition, the applicant disagrees that Satoru discloses a pre-assembled unit consisting of the left shroud, right shroud, and headlight which is mountable on the frame. The applicant submits that even if the Examiner interprets the monolithic structure which includes the left and right shroud as the pre-assembled unit, there is no suggestion or disclosure by Satoru to include the headlight in such a pre-assembled unit. Rather, Satoru appears to disclose the conventional structure in which the headlamp is mounted to the vehicle body frame, and the cover is assembled over the frame and headlamp.

In addition, claim 1 as amended herein clarifies that the left shroud, right shroud, and center cover are separate individual components, so that a subassembly of the left and right shroud provides a structure which is separate from the center cover. This configuration is clearly not shown by Satoru.

As regards claim 4, the applicant respectfully disagrees with this rejection since claim 4 depends from claim 2, and since the Examiner has not rejected claim 2 as anticipated by Satoru. The applicant has presented remarks below corresponding to a theoretical rejection of claim 4/2/1 under 35 USC 103(a) as unpatentable in view of Satoru in view of Nakamura.

As regards claim 5, the applicant respectfully disagrees with this rejection since Satoru does not disclose a front cover kit which includes a pair of stays extending backward from each

of the right and left sides of the headlight, as claimed. As commonly used and understood, the term “extending from” or “extending backward from” implies that the structure which is extending originates at the structure from which it extends. That is, the applicant’s claim explicitly recites that the stay originates at the headlight and extends backward therefrom. In contrast, the pair of “stays” 34 disclosed by Satoru do not originate at the headlight, but rather are formed as a recess (depression) in a front portion of the cover body at a location distant from the headlight. Thus the stays 34 disclosed by Satoru do not anticipate the limitations recited in claim 5.

In addition, both the “stays” 34 and left and right shrouds of Satoru are integrally formed in the cover body so as to be integral therewith (Fig. 6), so that the portions of the monolithic cover of Satoru which correspond to the left and right shroud are integral with the stays 34. As a result, it is not possible to “attach” the left and right shrouds to the stays, as claimed, since the stays and shrouds are already a single body within the cover body.

As regards claims 7 and 8, the applicant respectfully disagrees with the rejection of these claims for the reasons stated above with respect to claim 1 as amended herein, from which claims 7 and 8 depend. Although Satoru discloses a front cover disposed on an all terrain vehicle, Satoru does not disclose the front cover kit as claimed in claim 1.

Claim Rejections – 35 USC 103

On page 4 of the Office Action, the Examiner rejected claim 2 under 35 USC 103(a) as unpatentable over Satoru et al in view of Nakamura (US 6,820,708). In his rejection, the Examiner states that Satoru fails to teach the left and right fenders as being separate elements,

and that Nakamura teach that it is known to construct a vehicle front cover arrangement with plural separate elements (131a, 135, 137, 138), and that it would be obvious to modify Satoru to include separate fender portions for the purpose of allowing easy interchange of parts.

Applicant's Response

Upon review of Nakamura, the applicant finds that the disclosure of Nakamura is directed to a cooling system for a transmission mechanism in an all-terrain vehicle, so that the teachings related to the front cover are not central to the inventive concept thereof. Nakamura discloses a cover member (front fender 135, col. 3, lines 62+) which includes a center cover, left and right shroud portions, and left and right fender (wheel covering) portions as a single, monolithic body. Nakamura also discloses mud guards/flaps 138, 139, and front grill 137 as separate structures.

The applicant respectfully disagrees with the rejection of claim 2 for the reasons stated above with respect to claim 1 as amended herein, from which claim 2 depends.

The applicant also disagrees with the rejection of claim 2 since Nakamura does not disclose fenders which are formed separately from the shroud, or even from the cover body in general. As clearly shown in Fig. 3, Nakamura states that the front fender 135 (corresponding to the claimed front cover) covers “the upper front of body frame 101 and of front wheels 121” (col. 3, lines 62+), such that the fenders (wheel covering portion) are integral with the front cover. The applicant disagrees that trim components such as mud guards and mud flaps are equivalent to the fender per se, especially since the component 135 is disclosed as covering the wheel.

In addition, the applicant disagrees that the applicant's inventive concept, in which a large front cover body is formed of a plurality of smaller portions, is made obvious by Satoru as modified by Nakamura, since Nakamura, like Satoru, discloses a single, monolithic front cover

135. The applicant respectfully asserts that the trim components are a separate category of structure than a front cover/vehicle hood. For example, a front cover/hood is provided as a standard component in vehicles and functions to protect the mechanical parts thereunder during use. However, items such as mud guards and mud flaps are not always standard components, but instead are often sold as optional accessories in vehicles. Furthermore, the applicant submits that providing such trim components to a vehicle separately is not equivalent to the claimed invention in which the single, large front cover (corresponding to monolithic element 135 of Nakamura) is formed from plural smaller portions.

As regards claim 4, the applicant respectfully disagrees with the rejection of claim 4 for the reasons stated above with respect to claim 1 as amended herein, and for the reasons state above with respect to claim 2/1 from, which claim 4 depends.

In addition, although claim 4 has not been rejected as unpatentable over Satoru et al in view of Nakamura, the applicant respectfully disagrees that such a rejection would be appropriate since there is no disclosure or suggestion by Satoru, or by Satoru as modified by Nakamura, for providing separate left and right shroud portions, or for providing separate left and right fender portions. In addition, the cited references, alone or in combination, do not provide a teaching for attaching these individual components together in combination with the headlamp to form a preassembled unit for mounting on the body frame, as claimed.

On page 4 of the Office Action, the Examiner rejected claim 6 under 35 USC 103(a) as unpatentable over Satoru et al in view of Kuji (US 6,622,666). In his rejection, the Examiner states that Satoru fails to teach a center cover portion removable from the frame without a tool,

and that Kuji teaches a cover element 12, 12a, 18 mounted to a frame F having a center cover element 35 removable from the cover assembly at 34 and not taught to include a tool (col. 4, lines 17-18, col. 5, lines 65-67). The Examiner considers it obvious to modify Satoru by the teaching of Kuji to allow easy access to mechanical portions of the vehicle located beneath the cover arrangement.

Applicant's Response

Upon review of Kuji, the applicant finds that Kuji is directed to a cooling system for an all-terrain vehicle, the vehicle including a front fender 12 (corresponding to the claimed front cover) having a protruded portion formed at a rear end part of the fender 12. The protruded part 18 surrounds a water filling cup 16 through which cooling water is supplied to a radiator 45. An access opening is formed in a front surface of the protruded part 18, and a cover 35 is detachably attached to the access opening.

The applicant respectfully disagrees with the rejection of claim 6 for the reasons stated above with respect to claim 1 as amended herein, from which claim 6 depends. In addition, the applicant disagrees with the Examiner's assertion that a lack of a teaching for use of a tool positively implies that no tool is required. Rather, the applicant submits that since Kuji is silent as regards use of a tool with respect to cover 35, and merely states that cover 35 is detachably fitted in opening 34, and that cover 35 can be removed, no inferences or teachings regarding a tool can be made from the disclosure of Kuji.

Other Matters

The applicant has added new claim 18 to the application herein. Claim 18 recites that the center cover is attached to the headlight and right and left shrouds. This feature is fully

supported in the specification at paragraphs 88-92 and in Fig. 10, and thus no new matter is added. This feature is not disclosed by the cited prior art references, alone or in combination, and thus new claim 18 is considered to be in allowable condition

CONCLUSION

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

Favorable consideration is respectfully requested.

Respectfully submitted,



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